

REMARKS

The Office Action dated September 13, 2005 has been received and carefully reviewed. The following remarks form a full and complete response thereto. Claims 1-3 and 5-14 are pending in the application and submitted for reconsideration.

Applicants acknowledge that claims 6-8, 10 and 13-14 were found to contain allowable subject matter.

The specification was objected to as failing to provide antecedent basis for claimed subject matter. The Applicant traverses the objection and submits that the specification complies with Rule 75(d). Namely, on page 3, of the specification, the "anchoring position" for the anchor is clearly described to be "where it contacts the sea ground by the tip of the fluke, one side of the back of the fluke and the free end of the shank." Thus, antecedent basis for the term exists and the objection is improper. The Applicant requests that the objection be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to meet the written description requirement. Namely, it was asserted in the Office Action that the feature of claim 12 that the weight of the anchor on the tip being higher than 20% when the anchor is in an anchoring position is not shown in the original disclosure. The Applicant traverses the rejection and submits that claim 12 complies with the requirements of 25 U.S.C. § 112.

The features of claim 12 are clearly described at pages 4-5 of the original disclosure. Namely, "the shank extends beyond the fluke, over the tip of the fluke. This helps in increasing the proportion of the weight of the anchor on the tip 6 of the anchor. .

... This proportion may be measured by positioning the anchor, in the anchoring position, on three scales located at the three points of contact. It is preferred that the proportion of weight on the tip be higher than 20%; in the example, the proportion is around 23%." The limitation of claim 12, "wherein the proportion of the weight on the anchor on the tip is higher than 20% when said anchor is in an anchoring position" is nearly verbatim from the specification. Clearly, the written description requirement is met with respect to claim 12. Accordingly, the Applicant requests that the rejection of claim 12 be withdrawn.

Claims 1 and 3 were rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by FR 2820108. Claims 2, 5, 9, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable as obvious over FR 2820108. The Applicant traverses the rejections and submits that claims 1-3, 5, 9 and 11-12 recite subject matter not disclosed or suggested by FR 2820108.

At least one notable difference between the present invention and FR 2820108 is that the anchor of the present invention is unballasted, while the anchor of FR 2820108 is not. Applicants submit that the definition proposed in the Office Action for ballast - - any such weight that is provided in addition to the original weight of the fluke so as to further increase the total weight of the fluke - - is simply not proper. Indeed, the present specification includes a definition of a non-ballasted anchor and distinguishes non-ballasted anchors from ballasted ones:

The anchor is unballasted, in that there is no need to provide additional ballasting on the fluke - as in EP-B-0 840 691 or in FR-A-2 820 108. (p.2 lines 34-36.)

Thus, the description of the present application specifically disclaims ballasting as disclosed in EP-B-0 840 691 and FR 2820108.

One skilled in the art would consider the thicker part of the anchor of FR 2820108 to be ballast according to the ballast definition of our invention. Additionally, the present specification as filed indicates also that the chevron tip part made of cast lead or cast steel represented in EP-B-0 840 691 is an additional ballast according to the ballast definition of our invention.

Attached is the declaration of Alain Poiraud, the inventor of the present application. Mr. Poiraud has 45 years of sailing experience and 13 years of ocean engineerin experience and an expert in ocean anchor designs. As set forth in his declaration, one skilled in the art would understand that the anchor of FR 2820108 is a ballasted anchor and that the above-described description from the present application is consistent with the understanding in the art of anchors. See, paragraph 3A-E of the Poiraud Decl. The present invention solves the problem with prior non-ballasted anchors not by adding ballast, as in FR 2820108, but by fixing the shank on the front half of the fluke and hence, using the weight of the shank to replace any need for ballast. See paragraph 3F-G of the Poiraud Decl. As a result of the claimed invention, by avoiding ballast, the present invention can, for a given weight, increase the surface area of the fluke significantly as compared ballasted anchors. Id. Thus, FR 2820108 fails to disclose or suggest a non-ballasted anchor having each and every element claimed in claims 1-3, 5, 9, 11 and 12. Accordingly, the Applicant request withdrawal of

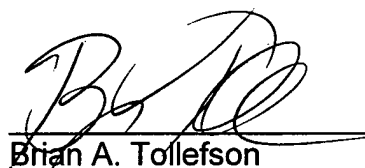
the rejection of claims 1-3, 5, 9, 11 and 12 and requests allowance of each of claims 1-3 and 5-14 and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event that this paper is not timely filled, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By



Brian A. Tollefson
Attorney for Applicant
Registration No. 46,338
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040